

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND (Northern Division) -----X IN THE MATTER OF THE COMPLAINT : OF ETERNITY SHIPPING, LTD. AND : EUROCARRIERS, S.A. FOR : Civil Action EXONERATION FROM OR LIMITATION : No. L01CV0250 OF LIABILITY : -----X Telephone deposition of JOHN PETICCA Baltimore, Maryland Monday, August 30, 2004 1:18 p.m. Job No.: 1-41631 Pages 1 - 63 Reported by: Beatriz D. Fefel, RPR	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	APPEARANCES ON BEHALF OF TATE & LYLE: ERIN WALZ, ESQUIRE (via telephone) ASPERGER CARAHER, L.L.C. 303 East Wacker Drive Three Illinois Center, Suite 1000 Chicago, Illinois 60601 Telephone: (312) 856-9901 ON BEHALF OF THE LIMITATION PLAINTIFFS, EUROCARRIERS, S.A., AND ETERNITY SHIPPING, LTD.: ERIC M. VEIT, ESQUIRE OBER, KALER, GRIMES & SHRIVER 120 East Baltimore Street, 8th Floor Baltimore, Maryland 21202-1643 Telephone: (410) 685-1120
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Telephone deposition of JOHN PETICCA held at the law offices of: OBER, KALER, GRIMES & SHRIVER 120 East Baltimore Street 11th Floor, Harbor Room West Baltimore, Maryland 21202-1643 Telephone: (410) 685-1120 Pursuant to agreement, before Beatriz D. Fefel, Registered Professional Reporter and Notary Public of the State of Maryland.	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	APPEARANCES (CONTINUED) ON BEHALF OF AMERICAN BUREAU OF SHIPPING: JAMES SAVILLE, ESQUIRE ROBERT G. CLYNE, ESQUIRE HILL, RIVKINS & HAYDEN, L.L.P. 45 Broadway Suite 1500 New York, New York 10006-3739 Telephone: (212) 669-0600 ALSO PRESENT: Scott St. Germain (via telephone)

25

1 Q Okay. The handwriting above that, is that
2 your handwriting, meaning where it lists --
3 A Yes, the whole handwriting on there is mine,
4 except for that signature where the guy signed it in
5 the wrong spot.
6 Q Okay.
7 A That's not my handwriting.
8 Q Okay. The signature of the guy in the wrong
9 spot, do you have any understanding of who that was?
10 A I thinking it was Roy. I forget who it was
11 at the time.
12 Q Okay. Just going up to the top of the form
13 there, it's got the test number, 001399?
14 A Yes.
15 Q Does I & I Sling number its tests
16 sequentially?
17 A Yes, we do.
18 Q Okay. So that's test 1399, is that of the
19 year 2000?
20 A Yes, it is.
21 Q So that 00 represents the year and 1399 the
22 test number?

26

1 A Yeah.
2 Q Okay. The next line, Customer: Malta
3 Maritime Authority. Do you recall how you knew it was
4 the Malta Maritime Authority? Was there a separate
5 document that told you, or was the gentleman there?
6 A That's a separate -- the fax that Scott's
7 going to fax you has the name on it.
8 Q Okay. Below that it says Quantity and
9 Description, one each, C-U-S-T, which is customer,
10 right?
11 A Yes.
12 Q Wire rope that measures twenty-eight to
13 twenty-nine millimeter?
14 A Yes.
15 Q First thing, is that the diameter, the
16 twenty-eight to twenty-nine millimeter?
17 A Yes.
18 Q And where did you obtain this information
19 from? Were you copying it from another sheet, or was
20 this based on your own measurements?
21 A I copied that from another sheet.
22 Q Okay. Do you recall what sheet that was?

27

1 A I copied that from another sheet.
2 Q Okay. Do you know what sheet that was?
3 A I'm not quite sure.
4 Q That's fine. It came from a source other
5 than your own measurements, then, right?
6 A Right.
7 Q Okay. Continuing on it says: Width: One
8 and an eighth closed spelter socket installed on each
9 end?
10 A Yes.
11 Q Was that on the wire rope when it arrived at
12 I & I Sling, or did you install the sockets at I & I?
13 A I had to install the sockets.
14 Q Okay. Were there -- so two sockets are
15 installed, one on each end?
16 A Yes.
17 Q Do you recall how long the rope was, that
18 particular piece?
19 A No, I don't.
20 Q Okay. Looking down further, it's got -- let
21 me back up for a minute. A spelter socket, what is
22 that?

28

1 A That's a fitting you put on the end of the
2 wire where you open the wires up and you clean them
3 off, then you slide the fitting up on it, and then you
4 pour either zinc in it, molten zink, or you could put
5 like a wire lock type material, a resin material in it
6 and -- to make it hold so it won't come off.
7 Q Okay. When we're talking about this test,
8 this 1399, on the bottom there is a date of December
9 21st, 2000. To the best of your recollection, is that
10 the date on which the test was performed?
11 A Yes.
12 Q Okay. The two signatures on the bottom, one
13 is yours, and one, the one below it, is it your
14 understanding that's the signature of the gentleman
15 who brought the rope to I & I Sling?
16 A Yes.
17 Q Do you recall that guy's name?
18 A No, I don't, but I'm assuming it's Roy.
19 Q Okay. I see on the far left of where the
20 signatures appear one line says Accept, the other says
21 Reject.
22 A Right.